

*DAE*  
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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

OCT 12 2004

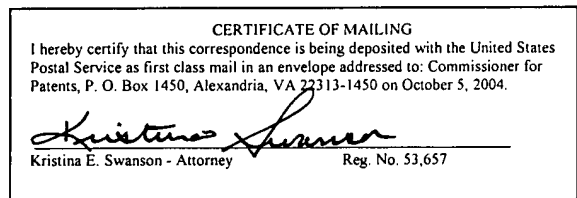
OCT 20 2004

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Serial No. : 09/375,081  
Confirmation No. : 4567  
Applicant(s) : Fernando Gonzalez and David Y. Kao  
Filed : August 16, 1999  
Title : TRANSISTORS HAVING CONTROLLED CONDUCTIVE SPACERS,  
USES OF SUCH TRANSISTORS AND METHODS OF MAKING  
SUCH TRANSISTORS  
Art Unit : 2811  
Examiner : Gene M. Munson  
Docket No. : MIO 0007 NA/40509.15/96-0471.02

OCT 12 2004  
**OFFICE OF PETITIONS**

MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



**PETITION TO WITHDRAW A HOLDING OF ABANDONMENT UNDER 37 CFR §1.181**

The following is submitted in support of Applicants' Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. §1.137(b):

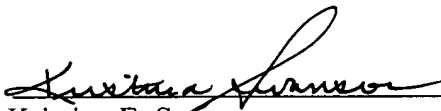
This application became abandoned on September 30, 2004 for Applicant's failure to timely file a proper response to the Office letter mailed on 5 February 2004 (copy enclosed).

An Amendment was filed within the three month response date, namely April 16, 2004, via facsimile. Enclosed is a copy of the Amendment with the facsimile cover sheet and Activity Report indicating the fax was transmitted on April 16, 2004 totaling 10 pages (9 page Amendment with cover sheet). Also enclosed is a copy of the Auto-Reply Facsimile Transmission from the Office which confirms the receipt of the 10 page fax transmitted on 4/16/2004 4:46:18 PM [Eastern Daylight Time]. However the facsimile cover sheet faxed with the Amendment indicated the incorrect file information in the Comments section. Therefore, the Amendment did not get matched with the proper file. The correct file information is referenced on the first page of the April 16, 2004 Amendment.

Serial No. 09/375,081  
Docket MIO 0007 NA/40509.15

The Petition fee under 37 C.F.R. §1.17(m) of \$1,370.00 is also enclosed. A duplicate of this Petition is attached. In light of the Applicant's good faith effort to fax the Amendment in a timely manner, it is respectfully petitioned that the holding of abandonment be withdrawn. If any outstanding issues still need to be resolved, please contact the undersigned.

Respectfully submitted,  
DINSMORE & SHOHL LLP

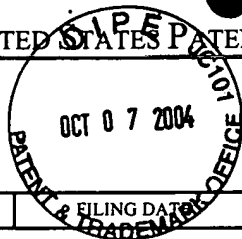
By   
Kristina E. Swanson  
Registration No. 53,657

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KES/amm  
Encl.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/375,081	08/16/1999	FERNANDO GONZALEZ	MIO-007-NA	4567

7590

09/30/2004

KILLWORTH GOTTMAN HAGAN & SCHAEFF LLP  
ONE DAYTON CENTRE  
SUITE 500  
ONE SOUTH MAIN STREET  
DAYTON, OH 454022023

EXAMINER

MUNSON, GENE M

ART UNIT PAPER NUMBER

2811

DATE MAILED: 09/30/2004

OCT 20 2004  
TECH CENTER 2000

Please find below and/or attached an Office communication concerning this application or proceeding.

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PROGRAMS EXAMINER

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CLD/DOCKETING

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09/375,081



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

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**NOTICE OF ABANDONMENT**

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper response to the Office letter mailed on 5 February 2004.
- ☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)
- ☒ No response has been received.
- ☐ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- ☐ The submitted issue fee of \$\_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_.
- ☐ The issue fee has not been received.
- ☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
- ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
- ☐ No proposed new formal drawings have been received.
- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

**GENE M. MUNSON  
EXAMINER  
GROUP ART UNIT 2831**

\*\*\*\*\*  
\*\*\* ACTIVITY REPORT \*\*\*  
\*\*\*\*\*

ST. TIME	DESTINATION TEL/ID	NO.	MODE	PGS.	RESULT
04/16 16:48	917038729306	2890	TRANSMIT ECM	10 OK	03'25



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## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 9372230724

Fax Information

Date Received:

4/16/2004 4:46:18 PM [Eastern Daylight Time]

Total Pages:

10 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
=====>

04/16/2004 16:49 FAX 9372230724

DINSMORE & SHOHL LLP

001/010

**DINSMORE  
& SHOHL LLP**

**FACSIMILE TRANSMITTAL**

from **KRISTINA E. SWANSON**

April 16, 2004

Direct: 937-449-6402 / Fax: 937-223-0724 / kristina.swanson@dinsmore.com

To: Examiner Gene M. Munson, Art Unit 2811

Firm: Commissioner of Patents

Fax Number: 703-872-9306

Client Number: MIO 0007 NA/40509.15/96-0471.02

Pages: 10  
(including cover)

Comments:

If there are any problems in receiving this transmission, please call (937) 223-2050 immediately.  
Thank you.

Re: Docket No. : MIO 0062 PA/40509.98  
Serial No. : 09/903,160  
Filing Date : July 11, 2001  
Title : CAPACITOR WITH HIGH DIELECTRIC CONSTANT  
MATERIALS AND METHOD OF MAKING  
Assignee : Micron Technology, Inc.  
Your Ref. : 99-0426/98-1296

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PAGE 1/10 \* RCVD AT 4/16/2004 4:46:18 PM FROM DINSMORE & SHOHL LLP \* SUBJECT: FAX REPLY \* DMS:872809 \* CSD:9372230724 \* DURATION:00:01:00:48

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